



Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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RESULTS OF MERRIMACK ZONING BOARD OF ADJUSTMENT WEDNESDAY, AUGUST 25, 2021

Board members present: Richard Conescu, Patrick Dwyer, Ben Niles, Rod Buckley, Lynn Christensen, and Charles Mower (Alternate)

Board members absent: None

Staff present: Casey Wolfe, Assistant Planner

1. Call to Order

Richard Conescu called the meeting to order at 7:02 p.m.

2. Roll Call

Patrick Dwyer led the pledge of allegiance and swore in members of the public who would be testifying. Rod Buckley read the preamble.

The Board took up item 5 prior to items 3 & 4.

- 5. Keith Pasquale (petitioner) and KTK Realty Trust, LLC (owner)** – Variance under section 2.02.4.B of the Zoning Ordinance to permit sales and storage of used automobiles in the Industrial District. The parcel is located at 20 Star Drive in the I-1 and Aquifer Districts. Tax Map 3D-1, Lot 012. Case # ZBA 2021-30.

The Board voted 5-0-0 to table the variance petition indefinitely with abutter re-notification required on a motion made by Lynn Christensen and seconded by Patrick Dwyer.

- 3. Bilden Properties, LLC (petitioner/owner)** – Appeal of Administrative Decision determining that the current use of the property is a “junk yard” per the Town Zoning Ordinance and NH RSA 236:112. The parcel is located at 719 Daniel Webster Highway in the C-2 (General Commercial), R-4 (Residential) and Planned Residential Districts. Tax Map 7E, Lot 052. Case # ZBA 2021-07. **This item is continued from the July 28, 2021 Zoning Board meeting.**

Petitioner was represented by: Dennis Stephens, owner & Frank Mesmer, Esq.

Public Comment was received from: Regina Sullivan, 6 Bernards Road.

The Board voted 5-0-0 to deny the Appeals of Administrative Decision (and uphold the Community Development Staff's determination) on a motion made by Patrick Dwyer and seconded by Rod Buckley.

- 4. Kerry Falzone (petitioner/owner)** – Variance under Section 2.02.1.A.3.e of the Zoning Ordinance to permit an unpermitted existing Accessory Dwelling Unit to remain as 1,020 s.f. whereas 1,000 s.f. is allowed (and obtain necessary permits). The parcel is located at 9 Profile Drive in the R-1 (Residential, by soils) District. Tax Map 6B, Lot 176. Case # ZBA 2021-29.

Petitioner was represented by: Kerry Falzone, petitioner/owner.

There was no public comment.

The Board voted 5-0-0 to grant the variance, with conditions, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

Patrick Dwyer recused himself from Item #6. Richard Conescu designated Charles Mower to sit for Patrick Dwyer.

- 6. Marc Bourbeau (petitioner/owner)** - Variances under Section 3.05 of the Zoning Ordinance to permit the construction of a garage 8 feet from the side property line whereas 15 feet is required and 39 feet from the rear property line whereas 40 feet is required. The parcel is located at 30 Joppa Road the R-4 (Residential) and Aquifer Districts. Tam Map 5C/232. Case # ZBA 2021-31.

Petitioner was represented by: Kathy Bourbeau, petitioner/owner.

There was no public comment.

The Board voted 5-0-0 to grant the variances on a motion made by Rod Buckley and seconded by Lynn Christensen.

Patrick Dwyer returned as a voting member.

- 7. Innovation Acquisition, LLC (petitioner) and Solon Properties, LLC and Innovation Acquisition, LLC (owners)** – Variance under section 2.02.4.B of the Zoning Ordinance to permit multi-family residential use in the Industrial District. The parcel is located at 1 Innovation Way in the I-1 (Industrial) and Aquifer Districts. Tax Map 2D, Lot 041-15. Case # ZBA 2021-32.

At the petitioner's request, the Board voted 5-0-0 to continue the public hearing to September 29, 2021, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

- 8. Patricia M. Panciocco, Esquire (petitioner) and Lori F. and Rodd R. Ruland Trustees of the Lorie F. Ruland Revocable Trust** – Variance under Section 3.05 of the Zoning Ordinance to permit the construction of a house 13.6 feet from the side property line whereas 15 feet is required. The parcel is located at 312 Baboosic Lake Road in the R-2 (Residential) District. Tax Map 6A-2, Lot 159. Case #ZBA 2021-33.

Petitioner was represented by: Patricia M. Panciocco, Esq. & Rodd R. Ruland, owner

There was no public comment.

The Board voted 5-0-0 to grant the variance, with conditions, on a motion made by Rod Buckley and seconded by Patrick Dwyer.

9. Discussion/possible action regarding other items of concern

None.

10. Approval of Minutes – July 28, 2021

The minutes of July 28, 2021 were approved as submitted, by a vote of 5-0-0, on a motion made by Patrick Dwyer and seconded by Rod Buckley.

11. Adjourn

The meeting was adjourned at 8:44 p.m. by a vote of 5-0-0, on a motion made by Ben Niles and seconded by Lynn Christensen.